

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
wildlife.ca.gov

July 2, 2026

Ben Raymond, Regional Planner II
Kern County Council of Governments
1401 19th Street, Suite 300.
Bakersfield, California 93301
(661) 635-2900
braymond@kerncog.org

**Subject: 2026 Regional Transportation Plan (Plan)
Programmatic Environmental Impact Report (PEIR)
State Clearinghouse No.: 2025041115**

Dear Ben Raymond:

The California Department of Fish and Wildlife (CDFW) received a PEIR from the Kern County Council of Governments (Kern COG), as Lead Agency, for the above-referenced Plan pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802.). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Ben Raymond, Regional Planner II
Kern Council of Governments
July 2, 2026
Page 2

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, reasonably foreseeable future projects may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future projects may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process if an ITP may be pursued for projects tiered from this Plan.

Other Special-Status Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Plan.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Ben Raymond, Regional Planner II
Kern Council of Governments
July 2, 2026
Page 3

PLAN DESCRIPTION SUMMARY

Proponent: Kern County Council of Governments

Objective: The Plan proposes to update to the current regional transportation plan within the Kern County metropolitan planning area (Plan area). The Plan identifies regional transportation policies, strategies, and projects intended to improve mobility, enhance connectivity and safety, support economic development, and address regional environmental and infrastructure challenges. The Plan also evaluates how future transportation investments and land use patterns can support attainment of applicable federal air quality standards and state greenhouse gas (GHG) emissions reduction goals.

Location: The Plan area would include Kern County and the eleven (11) incorporated cities within Kern County: Arvin, Bakersfield, California City, Delano, Maricopa, McFarland, Ridgecrest, Shafter, Taft, Tehachapi, and Wasco.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Kern COG in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the PEIR.

CDFW submitted a comment letter on May 21, 2025 (Attachment 1) in response to the Plan's Notice of Preparation (NOP). That letter provided species considerations for evaluation in the PEIR and provided recommendations to ensure compliance with the CESA and Fish and Game Code.

Based on a review of the draft PEIR, CDFW has the following comments and/or recommendations pertaining to special-status plant and animal species, streams, wildlife connectivity, and cumulative impacts:

California Endangered Species Act

Mitigation Measures (MM) BIO-1 through BIO-5 are provided within the PEIR to mitigate for potentially significant impacts to special-status species and include measures for habitat assessments and focused surveys, as well as measures for species avoidance. It does not appear that measures were incorporated to ensure projects tiered from this Plan comply with CESA. As such, CDFW recommends MM BIO-5 be adjusted to specify in the event that species listed under CESA are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid "take," or if avoidance is not feasible, to acquire a ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground disturbing activities.

Ben Raymond, Regional Planner II
 Kern Council of Governments
 July 2, 2026
 Page 4

Le Conte's Thrasher

The PEIR notes that Le Conte's Thrasher (*Toxostoma lecontei*) is located within the Plan area and could be impacted by implementation of the Plan. The PEIR also notes that the species is listed as a State species of special concern. On April 16, 2026, the California Fish and Game Commission approved Le Conte's thrasher (LETH) as a candidate for potential listing as a protected species under CESA, and published these findings in the California Regulatory Notice Register on April 29, 2026. Therefore, LETH is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). As such, CDFW recommends that the PEIR be updated to note the species change in State status.

Western Spadefoot

The PEIR notes that western spadefoot (*Spea hammondi*) is located within the Plan area and could be impacted by implementation of the Plan. The PEIR also notes that the species is listed as a State species of special concern. On September 24, 2025, the California Fish and Game Commission (FGC) received a petition to list the northern population as threatened and the southern population as endangered under CESA. At the FGC meeting on April 16, 2026, CDFW presented its determination that the petition provided sufficient scientific information that the petitioned action to list WESP under CESA may be warranted; however, the FGC deferred its decision on WESP candidacy until a future meeting in August 2026. If WESP becomes a candidate for listing or ultimately becomes listed as threatened or endangered pursuant to CESA, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), will be necessary to comply with CESA if full avoidance of WESP cannot be achieved.

Desert Kit Fox

Based on a review of the PEIR, it does not appear that desert kit fox (DKF; *Vulpes macrotis arsipus*) was included within the special-status species list and was not identified as a species that could potentially be impacted by projects tiered from this Plan. The Plan area is within the known geographic range of DKF. DKF are known to inhabit sparsely vegetated scrub habitats within the California desert that support small mammal populations. The portions of the Plan area located within the Antelope Valley and Mojave Desert in eastern Kern County would have the potential to impact DKF. Pursuant to Title 14, California Code of Regulations, section 460, furbearing mammals, including DKF, are afforded protections against unauthorized take. As such, CDFW recommends that DKF be included within the list of special-status species that could be impacted by implementation of the Plan.

Special-Status Plant Surveys

Mitigation Measure BIO-2 states that, "Floristic surveys that follow the California native Plant Society (CNPS) Botanical Survey Guidelines should be conducted in areas that are relatively undisturbed and/or have a moderate to high potential to support special-status

Ben Raymond, Regional Planner II
 Kern Council of Governments
 July 2, 2026
 Page 5

plants...”. CDFW concurs with the incorporation of this measure to mitigate for potential significant impacts to special-status plants, but recommends that the measure be adjusted to note that surveys would follow the guidelines outlined in the “Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities” (CDFW 2018).

Wildlife Corridors and Habitat Connectivity

California wildlife is increasingly losing the ability to move and migrate as habitat conversion and built infrastructure disrupts species habitat and restricts migration corridors. Senate Bill 790 and Assembly Bill 2344 both address wildlife connectivity in California and assert authority and responsibility to CDFW and/or local and state transportation agencies to implement wildlife connectivity actions by identifying where they are needed, coordinate and implement those actions, and establish compensatory mitigation credits for actions taken.

The Plan area and adjacent lands are important for providing habitat connectivity and wildlife movement for many species of wildlife and contains habitat linkages that allow species to disperse, migrate, and maintain genetic exchange with neighboring populations. Maintaining these connections is essential for both the immediate and long-term persistence of wildlife, particularly as species respond to environmental stressors such as climate change and ongoing habitat degradation. Disruption or loss of these linkages could lead to direct and indirect wildlife mortality, reduced reproductive success, diminished juvenile survival due to interrupted parental care, and increased exposure to vehicle collisions and predation. Additionally, the isolation of wildlife subpopulations threatens intra-species diversity and increases the likelihood of local extirpation, making it imperative that the Plan preserve and enhance these ecological pathways.

Mitigation Measure BIO-12

Mitigation Measure BIO-12 is provided to mitigate for potential significant impacts to wildlife corridors and animal movement and includes incorporating design measures for project tiered from this Plan that allow wildlife and fish to move through transportation corridors during and after construction. CDFW is concerned that implementation of Mitigation Measure BIO-12, including portion of the measures that requires project-specific design measures, without an appropriate understanding of wildlife movement within the Plan area, is unlikely to sufficiently mitigate for potentially significant impacts to wildlife connectivity.

As such, CDFW recommends in-depth studies on existing use of wildlife corridors within the Plan area and surrounding areas in order to evaluate the extent of future impacts of projects tiered from this Plan on wildlife connectivity and to provide a basis for infrastructure and project component redesign. Data collection methods should enable detection of species that have been found to utilize the existing movement corridors, including species mentioned above. The cumulative impacts of adjacent projects on wildlife corridors should be considered.

Ben Raymond, Regional Planner II
 Kern Council of Governments
 July 2, 2026
 Page 6

The PEIR should also require that projects tiered from this Plan thoroughly evaluate existing wildlife movement corridors and habitat connectivity. This includes identifying locations within the project site where connectivity is currently constrained—such as culverts, bridges, roadway segments, and fencing—and assessing opportunities to enhance or create new wildlife corridors where they are lacking. Detailed mapping of specific locations where wildlife movement could be affected should be included, and all available past connectivity studies for the project area should be incorporated into the analysis.

Analysis and Monitoring of Wildlife Corridor

CDFW recommends that projects tiered from this Plan incorporate project-specific wildlife movement studies to evaluate the potential for the project to significantly impact wildlife connectivity and to guide the development of wildlife corridor mitigation measures to mitigate connectivity impacts. For projects where wildlife corridor improvement is considered, pre-construction study results should be used to develop biologically feasible movement corridor improvements. Post-construction monitoring should also assess the use of wildlife movement corridors.

The protocol for the baseline survey, post-construction surveys, site selection criteria, and design criteria for the development of the wildlife connectivity structures should, at a minimum, follow the protocols outlined in the California Department of Transportation (Caltrans) Wildlife Crossings Design Manual (Caltrans 2009), CDFW's Transportation Planning Companion Plan associated with the State Wildlife Action Plan (CDFW 2016), and the Federal Highway Administration Wildlife Crossing Structure Handbook (FHWA 2011).

CDFW recommends that monitoring data be analyzed, summarized, and results discussed in reports that may be posted to the project webpage and submitted to CDFW and other agencies or organizations that have a duty or interest in the effectiveness of wildlife movement corridors.

Infrastructure and Project Component Design

CDFW recommends that on-site features that contribute to habitat connectivity should be evaluated and implemented. CDFW recommends the projects tiered from this Plan avoid developing and encroaching onto wildlife corridors, essential connectivity blocks, critical wildlife passage areas, or potential linkage areas.

The PEIR states that, with respect to wildlife corridors, "If the project cannot be designed with these design measures due to traffic safety or other constraints, the implementing agency should consider mitigation measures to minimize impacts on biological resources." The PEIR also recommends several connectivity mitigation measures in BIO-12, including installing wildlife friendly fencing, considering the implementation of design features that would not hinder wildlife movement, and consulting with local jurisdictions and other local organizations when impacts may

Ben Raymond, Regional Planner II
 Kern Council of Governments
 July 2, 2026
 Page 7

occur to open space that may impact wildlife movement. CDFW concurs with incorporating design features, such as wildlife friendly fencing, when appropriate, to maintain or enhance wildlife connectivity and recommends the following considerations be incorporated as appropriate during project design:

- **Culvert improvements** to support passage during wet and dry years, including but not limited to maintaining culverts to be free of sediments and vegetation; terracing to allow passage of terrestrial species where space allows; upsizing to support passage of impacted species.
- **Consideration of design features** that can support wildlife movement such as minimizing lengths (entry to exit) of dedicated wildlife crossings for certain species guilds; designs (grates, shelving, terracing, etc.) that still allow light penetration; maximizing heights of crossings or adding bridges for larger species guilds; natural cover types to encourage use; bench designs to allow use of the crossings during flooding; and smaller animal escape areas within or adjacent to the dedicated wildlife crossings.
- **Scientifically defensible wildlife corridor width** should be required. The functional width of usable linkages should be described and maintained outside of the zone of influence of edge effect. In general, a corridor should be at least two kilometers (km) wide, except at unavoidable bottlenecks such as freeway crossing structures (Beier 2018). The effective corridor width is the minimum spatial dimension needed to mitigate human influence on animal movement through the corridor (Ford et al. 2020).

For projects that incorporate wildlife connectivity design measures, CDFW recommends coordination with regional CDFW and conservation engineering staff on structure design including, but not limited to, wildlife passage undercrossings, directional fencing to prevent animals from crossing roads to reduce wildlife-vehicle strikes, removal of accumulated sediment that may block undercrossings, removal of vegetation debris, control of invasive plant species, signage to alert drivers of wildlife crossings, and education and training on wildlife crossing minimization.

When structures to facilitate or enhance wildlife movement are installed, they should continue to be monitored for wildlife passage during all project phases (construction, operation, reclamation, and revegetation monitoring). Upon completion of the project, any wildlife connectivity structures should be studied for an additional 12- to 24-month period, at minimum, to determine the effectiveness of utilization by wildlife of the structures.

The recommended movement studies should be used to determine locations for design modifications that support the maximum movement and connectivity for impacted species. CDFW recommends thorough monitoring of wildlife crossings

Ben Raymond, Regional Planner II
Kern Council of Governments
July 2, 2026
Page 8

both before and after construction to assess their effectiveness. This monitoring should include the use of camera traps, track beds, and other methods.

Compensatory Mitigation – Local Area Movement Corridors

On- or off-site compensatory mitigation should be implemented to completely offset unavoidable impacts if infrastructure redesigns and other measures to avoid significant impacts to existing wildlife corridors within the Plan area do not fully avoid impacts to wildlife corridors. The PEIR should include an analysis of beneficial and feasible wildlife movement corridors and/or crossings at off-site locations that could be improved or constructed to enhance wildlife connectivity.

The Plan should evaluate the development of advanced mitigation credits to support mitigation for future projects and to address connectivity impacts. As mentioned above, Fish and Game Code Section 1955 et seq. (Senate Bill 790) allows the Department of Fish and Wildlife to approve compensatory mitigation credits for actions that improve wildlife connectivity. These actions should lead to measurable improvements in aquatic or terrestrial habitat connectivity, wildlife migration, recolonization, and breeding opportunities, especially where these are hindered by infrastructure or habitat fragmentation and may include building road overpasses or underpasses.

California Natural Diversity Database (CNDDDB)

Please note that the CNDDDB is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDDB does not mean that a species is not present. All projects tiered from this Plan should adequately assess any potential project-related impacts to biological resources by ensuring biological surveys are conducted by a qualified wildlife biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology as warranted in order to determine whether or not any special-status species are present at or near the project area.

Cumulative Impact Analysis

The DEIR includes a cumulative impacts discussion; however, the analysis is vague and provides a general statement that cumulative impacts to biological resources would occur with implementation of the Plan.

Given that a Plan serves primarily as a planning tool and that future project-level CEQA documents are expected to be tiered from it, CDFW recommends that a cumulative impact analysis be conducted for all potential biological resources that will either be significantly or potentially significantly impacted by implementation of the Plan, including those whose impacts are determined to be less than significant with mitigation incorporated or for those

Ben Raymond, Regional Planner II
Kern Council of Governments
July 2, 2026
Page 9

resources that are rare or in poor or declining health and will be impacted by any future project, even if those impacts are expected to be relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Lake and Streambed Alteration

Reasonably foreseeable future projects tiered from this Plan may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires project proponents to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. CDFW therefore recommends that the PEIR for this Plan include information related to these requirements of Fish and Game code and advise that projects tiered from this Plan retain a qualified biologist to determine if potential impacts to streams may require the need to notify pursuant to Fish and Game Code section 1602. For additional information on notification requirements, please contact our staff in the Lake and Stream Alteration Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

MM-BIO-9 and MM-BIO-10 are provided in the PEIR to mitigate for potential significant impacts to wetlands and waters of the U.S. It does not appear that State-jurisdictional waters and streams are included within these measures. As such, CDFW also recommends that the identification, minimization, and avoidance measures in MM-BIO-9 and MM-BIO-10 be modified to specifically include waters of the State—including streams subject to Fish and Game Code section 1600 et seq.

Nesting birds

CDFW encourages that all projects tiered from this Plan occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), each future project applicant is responsible for ensuring that implementation of their project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW recommends that a qualified biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also

Ben Raymond, Regional Planner II
Kern Council of Governments
July 2, 2026
Page 10

recommends that surveys cover a sufficient area around each future project site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from each future project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the construction areas would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to the CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

If it is determined that the Plan or subsequent projects have the potential to impact biological resources, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

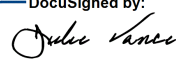
Ben Raymond, Regional Planner II
Kern Council of Governments
July 2, 2026
Page 11

CONCLUSION

CDFW appreciates the opportunity to comment on the PEIR to assist Kern COG in identifying and mitigating Plan's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment 1- NOP Letter May 21, 2025

ec: State Clearinghouse
Land Use and Climate Innovation
State.Clearinghouse@lci.ca.gov

Ben Raymond, Regional Planner II
Kern Council of Governments
July 2, 2026
Page 12

REFERENCES

- Beier, P. 2018. A rule of thumb for widths of conservation corridors. *Conservation Biology* 33 (4):976-978
- California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, Sacramento, California, USA.
- California Department of Fish and Wildlife (CDFW). 2016. California state wildlife action plan, transportation planning companion plan. Prepared by Blue Earth Consultants, LLC., Sacramento, California, USA.
- California Department of Fish and Wildlife. 2018. Protocols for surveying and evaluating impacts to special-status native plant populations and sensitive natural communities. Sacramento, California, USA.
- California Department of Transportation (Caltrans). 2009. Wildlife crossings design manual. California Department of Transportation, Sacramento, California, USA.
- Federal Highway Administration. 2011. Wildlife crossing structure handbook: Design and Evaluation in North America.
- Ford, A., E. Sunter, C. Fauvelle, J. Bradshaw, B. Ford, J. Hutchen, N. Phillipow, and K. Teichman. 2020. Effective corridor width: linking the spatial ecology of wildlife with land use policy. *European Journal of Wildlife Research* 66:69.

Attachment 1



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243 - 4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 21, 2025

Becky Napier, Deputy Director of Administration
Kern Council of Governments
1401 19th Street, Suite 300.
Bakersfield, California 93301
(661) 635-2910
Napier@kerncog.org

**Subject: 2026 Regional Transportation Plan (Plan)
Notice of Preparation (NOP)
State Clearinghouse No.: 2025041115**

Dear Becky Napier:

The California Department of Fish and Wildlife (CDFW) received a NOP to prepare a Programmatic Environmental Impact Report (PEIR) from the Kern Council of Governments (COG), as Lead Agency, for the above-referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802.). Similarly, for purposes of CEQA,

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Becky Napier, Deputy Director of Administration
Kern Council of Governments
May 21, 2025
Page 2

CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, reasonably foreseeable future projects may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future projects may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process if an ITP may be pursued for projects tiered from this Plan.

Other Special-Status Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Plan.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any

Becky Napier, Deputy Director of Administration
Kern Council of Governments
May 21, 2025
Page 3

bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Plan.

PROJECT DESCRIPTION SUMMARY

Proponent: Kern Council of Governments

Objective: The Plan proposes to update the transportation plan within the Kern County metropolitan planning area to address future travel needs and be consistent with the federal Clean Air Act. The Plan would determine the need of the transportation system, prioritize proposed transportation projects, and obtain and allocate federal funding for regional transportation projects.

Location: The Plan area would include Kern County and the eleven (11) incorporated cities within Kern County: Arvin, Bakersfield, California City, Delano, Maricopa, McFarland, Ridgecrest, Shafter, Taft, Tehachapi, and Wasco.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the Kern COG in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the PEIR prepared for this Plan.

Special-Status Species

The NOP indicates that the PEIR for the Plan will analyze potential impacts resulting from implementation of the Plan. Based on aerial imagery and species occurrence records from the California Natural Diversity Database (CNDDB) (CDFW 2025), CDFW's familiarity with biological resources in the Plan area, and given that the Project encompasses the entirety of Kern County, CDFW recommends that special-status species be considered as part of the PEIR that will be draft for this Plan, including, but not limited to, the species identified in **Attachment 1** of this letter. These resources would need to be evaluated and addressed as part of the PEIR and prior to any approvals that would allow ground-disturbing activities. CDFW also recommends that the PEIR analyze potential impacts to these species and provide measurable mitigation

Becky Napier, Deputy Director of Administration
Kern Council of Governments
May 21, 2025
Page 4

measures that would reduce impacts to less than significant levels as needed for projects tiered from this Plan.

Botanical Surveys: CDFW recommends that the PEIR for this Plan include a measure requiring that projects tiered from this Plan located within natural habitats be surveyed by a qualified botanist for any possible special-status plants following the “Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities”

(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>). CDFW recommends that the plant surveys be floristic and, if necessary, utilize a known reference site for any special-status plants in order to provide a high level of confidence in the effort and results.

If a special-status plant is found, CDFW recommends that the special-status plant species be avoided whenever possible by delineating and observing a no disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a State or federally listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW and/or the United States Fish and Wildlife Service (USFWS) be conducted to determine permitting needs.

California Endangered Species Act: Reasonably foreseeable future projects tiered from this Plan may be subject to CDFW's regulatory authority pursuant to the California Endangered Species Act (CESA). In the event that species listed under CESA are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid “take,” or if avoidance is not feasible, to acquire a State ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground disturbing activities. In addition, CDFW recommends that mitigation measures for the CESA listed species be fully addressed in the CEQA document prepared for any future project tiered from this Plan.

California Natural Diversity Database (CNDDDB): Please note that the CNDDDB is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDDB does not mean that a species is not present. All projects tiered from this Plan should adequately assess any potential project-related impacts to biological resources by ensuring biological surveys are conducted by a qualified wildlife biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology as warranted in order to determine whether or not any special-status species are present at or near the project area.

Becky Napier, Deputy Director of Administration
Kern Council of Governments
May 21, 2025
Page 5

CEQA Alternatives Analysis: CDFW recommends that the information and results obtained from the cumulative impacts analysis conducted as part of this Plan's PEIR be used to develop and modify the Plan's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. Please note that when efforts to avoid and minimize impacts have been exhausted for projects tiered from this Plan, remaining impacts to sensitive biological resources may need to be mitigated to reduce impacts to a less than significant level, if feasible.

Cumulative Impact Analysis: Given that a Plan serves primarily as a planning tool and that future project-level CEQA documents are expected to be tiered from it, CDFW recommends that a cumulative impact analysis be conducted for all potential biological resources that will either be significantly or potentially significantly impacted by implementation of the Plan, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by any future project, even if those impacts are expected to be relatively small (i.e. less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Federally Listed Species: CDFW recommends projects tiered from this Plan consult with the USFWS on potential impacts to federally listed species. Take under the Federal Endangered Species Act (ESA) is more broadly defined than CESA; take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with USFWS is advised well in advance of any ground disturbing activities.

Lake and Streambed Alteration: Reasonably foreseeable future projects tiered from this Plan may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires project proponents to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the Lake and Stream Alteration Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

Becky Napier, Deputy Director of Administration
 Kern Council of Governments
 May 21, 2025
 Page 6

CDFW therefore recommends that the PEIR for this Plan include information related to these requirements of Fish and Game code and advise that projects tiered from this Plan retain a qualified biologist to determine if potential impacts to streams may require the need to notify pursuant to Fish and Game Code section 1602.

Nesting birds: CDFW encourages that all projects tiered from this Plan occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), each future project applicant is responsible for ensuring that implementation of their project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW recommends that a qualified biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around each future project site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from each future project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the construction areas would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural

Becky Napier, Deputy Director of Administration
Kern Council of Governments
May 21, 2025
Page 7

communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to the CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

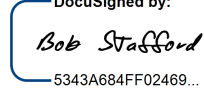
If it is determined that the Plan or subsequent projects have the potential to impact biological resources, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist Kern COG in identifying and mitigating Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions regarding this letter or further coordination, please contact Marile Colindres, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 974-3452, or by electronic mail at marile.colindres@wildlife.ca.gov.

Sincerely,

DocuSigned by:

5343A684FF02469...

For Julie A. Vance
Regional Manager

ATTACHMENT

ec: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

Becky Napier, Deputy Director of Administration
Kern Council of Governments
May 21, 2025
Page 8

REFERENCES

California Department of Fish and Wildlife. 2025. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 11 May 2025.

Attachment 1**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
SPECIAL-STATUS SPECIES TABLE****PROJECT: 2026 Regional Transportation Plan****SCH No.: 2025041115**

Common Name	Scientific Name	Status	
		State	Federal
Giant kangaroo rat	<i>Dipodomys ingens</i>	E	E
Tipton kangaroo rat	<i>Dipodomys nitratoides nitratoides</i>	E	E
Bald eagle	<i>Haliaeetus leucocephalus</i>	E/FP	None
California condor	<i>Gymnogyps californianus</i>	E	E
Least Bell's vireo	<i>Vireo bellii pusillus</i>	E	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E	E
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	E	T
Blunt-nosed leopard lizard	<i>Gambelia sila</i>	E	E
Foothill yellow-legged frog – South Sierra Distinct Population Segment	<i>Rana boylei</i> pop. 5	E	None
Southern mountain yellow-legged frog	<i>Rana muscosa</i>	E	E
Bakersfield cactus	<i>Opuntia basilaris</i> var. <i>treleasei</i>	E	E
California jewelflower	<i>Caulanthus californicus</i>	E	E
San Joaquin adobe sunburst	<i>Pseudobahia peirsonii</i>	E	T
Bakersfield smallscale	<i>Atriplex tularensis</i>	E	None
Mojave tarplant	<i>Deinandra mohavensis</i>	E	None
Nelson's (San Joaquin) antelope squirrel	<i>Ammospermophilus nelsoni</i>	T	None
Mohave ground squirrel	<i>Xerospermophilus mohavensis</i>	T	None
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	T	E
Swainson's hawk	<i>Buteo swainsoni</i>	T	None
Tricolored blackbird	<i>Agelaius tricolor</i>	T	None
Desert tortoise	<i>Gopherus agassizii</i>	T	T
Giant gartersnake	<i>Thamnophis gigas</i>	T	T
Southern rubber boa	<i>Charina umbratica</i>	T	None
Kern Canyon slender salamander	<i>Batrachoseps simatus</i>	T	PT
Tehachapi slender salamander	<i>Batrachoseps stebbinsi</i>	T	None

Striped adobe-lily	<i>Fritillaria striata</i>	T	None
Northern California ringtail	<i>Bassariscus astutus raptor</i>	FP	None
Golden eagle	<i>Aquila chrysaetos</i>	FP/WL	None
White-tailed kite	<i>Elanus leucurus</i>	FP	None
Western burrowing owl	<i>Athene cunicularia hypugaea</i>	C	None
Temblor legless lizard	<i>Anniella alexanderae</i>	C	None
Crotch's bumble bee	<i>Bombus crotchii</i>	C	None
Western Joshua tree	<i>Yucca brevifolia</i>	C	None
American badger	<i>Taxidea taxus</i>	SSC	None
Buena Vista Lake ornate shrew	<i>Sorex ornatus relictus</i>	SSC	E
Pallid bat	<i>Antrozous pallidus</i>	SSC	None
Short-nosed kangaroo rat	<i>Dipodomys nitratoideus brevinasus</i>	SSC	None
Spotted bat	<i>Euderma maculatum</i>	SSC	None
Tehachapi pocket mouse	<i>Perognathus alticola inexpectatus</i>	SSC	None
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC	None
Tulare grasshopper mouse	<i>Onychomys torridus tularensis</i>	SSC	None
Western mastiff bat	<i>Eumops perotis californicus</i>	SSC	None
Fulvous whistling-duck	<i>Dendrocygna bicolor</i>	SSC	None
Gray vireo	<i>Vireo vicinior</i>	SSC	None
Le Conte's thrasher	<i>Toxostoma lecontei</i>	SSC	None
Loggerhead shrike	<i>Lanius ludovicianus</i>	SSC	None
Long-eared owl	<i>Asio otus</i>	SSC	None
Mountain plover	<i>Charadrius montanus</i>	SSC	None
Purple martin	<i>Progne subis</i>	SSC	None
Yellow-breasted chat	<i>Icteria virens</i>	SSC	None
Yellow warbler	<i>Setophaga petechia</i>	SSC	None
Bakersfield legless lizard	<i>Anniella grinnelli</i>	SSC	None
California glossy snake	<i>Arizona elegans occidentalis</i>	SSC	None
California legless lizard	<i>Anniella pulchra</i>	SSC	None
Coast horned lizard	<i>Phrynosoma blainvillii</i>	SSC	None
Northwestern pond turtle	<i>Actinemys marmorata</i>	SSC	PT
San Joaquin coachwhip	<i>Masticophis flagellum ruddocki</i>	SSC	None
Sierra night lizard	<i>Xantusia vigilis sierrae</i>	SSC	None
Southern Sierra legless lizard	<i>Anniella campi</i>	SSC	None
Two-striped gartersnake	<i>Thamnophis hammondi</i>	SSC	None
Western pond turtle	<i>Emys marmorata</i>	SSC	PT
Arroyo toad	<i>Anaxyrus californicus</i>	SSC	None
Relictual slender salamander	<i>Batrachoseps relictus</i>	SSC	PE

Western spadefoot	<i>Spea hammondi</i>	SSC	PT
Kern brook lamprey	<i>Lampetra hubbsi</i>	SSC	None
Kern River rainbow trout	<i>Oncorhynchus mykiss gilberti</i>	SSC	None
Parish's checkerbloom	<i>Sidalcea hickmanii</i> ssp. <i>Parishii</i>	R	None
Red Rock tarplant	<i>Deinandra arida</i>	R	None
Tracy's eriastrum	<i>Eriastrum tracyi</i>	R	None
E= Endangered, T=Threatened, C= Candidate for listing as Threatened and/or Endangered, R= Rare, SSC= Species of Special Concern, FP= Fully Protected, PE= Proposed Endangered, PT=Proposed Threatened, R= Rare,			